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Name: Commissioner of Patents

Art Unit: 2664

Examiner: Andrew Chung Cheung Lee

Phone: (571) 272-3131

From: Richard J. Paciulan
Reg No. 28,248

Re: Application No. 09/676,697

Filed September 29, 2000

Entitled PACKET-SWITCHED MULTIPLE-ACCESS NETWORK SYSTEM WITH
DISTRIBUTED FAIR PRIORITY QUEUING

File: 40597/RJP/B600

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO
THE UNITED STATES PATENT AND TRADEMARK OFFICE ON June 24, 2005.

C. Healion

C. Healion

*Correspondence: Request for Acknowledgement of Cited References in
Information Disclosure Statement with enclosures

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Christie, Parker & Hale, LLP
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PATENT

Date of Notice
 of Allowance : May 17, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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C. Healion
 C. Healion

Applicant : John T. Holloway, et al. Confirmation No. 1550
 Application No. : 09/676,697
 Filed : September 29, 2000
 Title : PACKET-SWITCHED MULTIPLE-ACCESS NETWORK SYSTEM
 WITH DISTRIBUTED FAIR PRIORITY QUEUING
 Grp./Div. : 2664
 Examiner : Andrew Chung Cheung Lee
 Docket No. : 40597/RJP/B600

**REQUEST FOR ACKNOWLEDGEMENT OF CITED REFERENCES
 IN INFORMATION DISCLOSURE STATEMENT**

Mail Stop Issue Fee
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Post Office Box 7068
 Pasadena, CA 91109-7068
 June 24, 2005

Commissioner:

The Applicants are in receipt of a Notice of Allowance in above-referenced application. Upon file review, the Applicants have noted that two of the references submitted in an IDS on September 12, 2001 (copy enclosed) were not acknowledged as being reviewed by the Examiner and have an indication of "not supplied" written thereon.

However, these unacknowledged references were previously submitted in the parent case Serial No. 09/026884 on December 31, 1998 and were considered and acknowledged by the Examiner on December 1, 2000. (copy enclosed)

37CFR 1.98 (d) states that a copy of any patent, publication, pending U.S. application, or other information listed in an information disclosure statement is not required to be provided if: (1) the information was previously cited by or submitted to, the Office in a prior application, provided that the prior application is properly identified in the IDS and is relied on for an earlier filing date under 35 U.S.C. 120; and (2) the IDS submitted in the earlier application complies with 37 CFR 1.98(a)-(c). If both of these conditions are met, the examiner will consider the information previously cited or submitted to the Office and considered by the Office in a prior application relied on under 35 U.S. C. 120.

Appln No. 09/676,697
Request date June 24, 2005

As can be seen by the enclosures provided herewith the IDS submissions pursuant to 37 CFR 1.98(a) - (d) in both the present application and its parent application have been properly complied with.

Accordingly, the Applicants request that the two references listed under "Other Documents" in the IDS submission of September 22, 2001 in the present application be considered and acknowledged.

Given that the Issue Fee payment due date for the present application is August 17, 2005, the Applicants request that such consideration and acknowledgement be undertaken at the Examiner's earliest convenience, and that a Supplemental Notice of Allowability pursuant thereto be issued as soon as possible thereafter.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP


By _____
Richard J. Paciulan
Reg. No. 28,248
626/795-9900

RJP/cah

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C. Magallón
C. Magallón

Applicant : John T. Holloway, et al.
 Application No. : 09/676,697
 Filed : September 29, 2000
 Title : PACKET-SWITCHED MULTIPLE-ACCESS
 NETWORK SYSTEM WITH DISTRIBUTED FAIR
 PRIORITY QUEUING
 Grp./Div. : 2664
 Examiner : To be assigned
 Docket No. : 40597/RJP/E264

INFORMATION DISCLOSURE STATEMENT
 37 CFR § 1.97(b)

Assistant Commissioner for Patents
 Washington, D.C. 20231

Post Office Box 7068
 Pasadena, CA 91109-7068
 September 12, 2001

Commissioner:

In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§ 609 and 707.05(b), enclosed is FORM PTO-1449 listing the references that are known to applicant. The references listed thereon are not enclosed because they were of record in the parent application, Application No. 09/026,884, filed February 19, 1998. This filing is timely because it is made during one of the periods described in 37 CFR § 1.97(b).

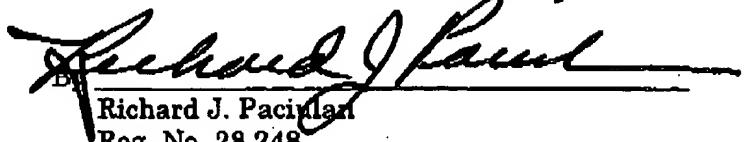
It is respectfully requested that the listed references be considered in the examination of this application and identified on the list of references cited on the patent issuing for this application. Applicant also requests that an initialed copy of FORM PTO-1449 be entered in the

Application No. 09/676,697

application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP


Richard J. Paciolar
Reg. No. 28,248
626/795-9900

RJP/cam

Enclosure: PTO-1449
CAM PAS379650.1-9/11/01 2:00 PM

FORM PTO-1449		Attorney Docket Number	40597/RJP/E264
INFORMATION DISCLOSURE		Application Number	09/676,697
STATEMENT BY APPLICANT		Filing Date	September 29, 2000
(use as many sheets as necessary)		Applicant(s)	John T. Holloway, et al.
		Group Art Unit	2664
		Examiner Name	To be assigned

U.S. PATENT DOCUMENTS						
EXAMINER INITIALS	DOCUMENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,063,220	12/1977	Metcalfe et al	340	147 LP	
	4,623,886	11/1986	Livingston	340	825.5	
	4,766,591	08/1988	Huang	370	60	
	5,319,641	06/1994	Fridrich et al	370	85.3	
	5,553,072	09/1996	Daggett et al.	370	85.3	
	5,600,651	02/1997	Molle	370	448	

FOREIGN PATENT DOCUMENTS						
EXAMINER INITIALS	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION
						YES NO
	0 299 639 (A2)	01/1989	EPO			

OTHER DOCUMENTS	
EXAMINER INITIALS	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	CAPETANAKIS, J.J., "Tree Algorithms for Packet Broadcast Channels," IEEE Transactions on Information Theory, September 1979, Volume IT_25, Number 5 (ISSN 0018 9448), pp. 505-515, IEEE
	WHETTEN, B. et al., "The Packet Starvation Effect in CSMA/CD LANs and a Solution," 19 th Conference on Local Computer Networks, October 2-5, 1994, Minneapolis, Minnesota, pp. 206-217, IEEE Computer Society Press, Los Alamitos, California
	International Search Report for PCT/US99/03070

EXAMINER SIGNATURE	DATE CONSIDERED
--------------------	--------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FORM PTO-1449

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

SEP 19 2001

U.S. TRADEMARK OFFICE

Attorney Docket Number	40597/RJP/E264
Application Number	09/676,697
Filing Date	September 29, 2000
Applicant(s)	John T. Holloway, et al.
Group Art Unit	2664
Examiner Name	To be assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Alice	4,063,220	12/1977	Metcalfe et al	340	147 LP	
Alice	4,623,886	11/1986	Livingston	340	825.5	
Alice	4,766,591	08/1988	Huang	370	60	
Alice	5,319,641	06/1994	Fridrich et al	370	85.3	SEP 21 2001 Technology Center 2800 RECEIVED
Alice	5,553,072	09/1996	Daggett et al	370	85.3	
Alice	5,600,651	02/1997	Molle	370	448	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
Alice	0 299 639 (A2)	01/1989	EPO				

OTHER DOCUMENTS

EXAMINER INITIALS	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	CAPETANAKIS, J. J., "Tree Algorithms for Packet Broadcast Channels," IEEE Transactions on Information Theory, September 1979, Volume IT-25, Number 5 (ISSN 0018 9448), pp. 505-515, IEEE
	WETTEN, B. et al., "The Packet Starvation Effect in CSMA/CD LANs and a Solution," 19 th Conference on Local Computer Networks, October 2-5, 1994, Minneapolis, Minnesota, pp. 206-217, IEEE Computer Society Press, Los Alamitos, California
	International Search Report for PCT/US99/03070

EXAMINER SIGNATURE	<i>Alice</i>	DATE CONSIDERED	14 Sept 2001
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Holloway, John T.; Trachewsky, Jason; Ptasienski, Henry

Assignee: Epigram, Inc.

Title: A PACKET-SWITCHED MULTIPLE-ACCESS NETWORK SYSTEM WITH DISTRIBUTED FAIR PRIORITY QUEUING

Serial No.: 9/26/884 Filed: 02/19/98

Examiner: Unassigned Group Art Unit: Unknown

Docket No.: M-5496 US

San Jose, California
December 31, 1998

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant(s) brings the following documents to the Examiner's attention in the above-captioned application.

1. U.S. Patent No. 4,063,220 issued Dec. 13, 1977 to Metcalfe et al.;
2. U.S. Patent No. 4,766,591 issued Aug. 23, 1988 to Huang;
3. U.S. Patent No. 5,319,641 issued Jun. 7, 1994 to Fridrich et al.;
4. U.S. Patent No. 5,600,651 issued Feb. 4, 1997 to Molle;
5. Capetanakis, "Tree Algorithms for Packet Broadcast Channels", IEEE Transaction on Information Theory, Vol. 1T-25, September 1979, 13 pages; and
6. Whetten, "The Packet Starvation Effect in CSMA/CD LANs and a Solution", "19th Conference on Local Computer Networks", IEEE Computer Society, October 1994, pages 206-216.

A PTO form 1449 listing these documents is enclosed.

Citation of the above documents shall not be construed as:

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481496 v1

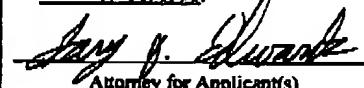
- 1 -

SER. NO. 09/26/884

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

on December 31, 1998.


Gary J. Edwards

Attorney for Applicant(s)

12/30/98
Date of Signature

Respectfully submitted,


Gary J. Edwards

Gary J. Edwards
Attorney for Applicant(s)
Reg. No. 41,008

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481496 v1

- 2 -

SER. NO. 09/26/884

Sheet 1 of 1

U.S. Department of Commerce, Patent		J Trademark Office		Docket No.	Serial No.			
				M-5496 US	9/26/884			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				Applicant(s)				
				Holloway, John T.; Trachowsky, Jason;				
				Filing Date	Group			
				02/19/98				
U.S. Patent Documents								
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
	AA	4,063,220	12/13/77	Metcalfe et al.	340	147		
	AB	4,766,591	8/23/88	Huang	370	60		
	AC	5,319,641	6/7/94	Fridrich et al.	370	85.3		
	AD	5,600,651	2/4/97	Molle	370	448		
	AE							
	AF							
	AG							
	AH							
	AI							
	AJ							
	AK							
Foreign Patent Documents							Translation	
		Document	Date	Country	Class	Subclass	Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)								
	AQ	Capetanakis, "Tree Algorithms for Packet Broadcast Channels", <u>IEEE Transaction on Information Theory</u> , Vol. 1T-25, September 1979, 13 pages; and						
	AR	Whetten, "The Packet Starvation Effect in CSMA/CS LANs and a Solution", "19th Conference on Local Computer Networks", <u>IEEE Computer Society</u> , October 1994, pages 206 - 216.						
	AS							
Examiner		Date Considered						
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.</p>								

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PTO FORM 1449

U.S. Department of Commerce, Patent and Trademark Office

Atty Docket No.	Serial No.
M-5496 US	Unknown
Applicant(s)	Watson
Holloway et al.	142/19
Filing Date	Group
Herewith	Unknown

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

U.S. Patent Documents

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
<i>Her</i>	AA	4,063,220	12/13/77	Metcalfe et al.	340	147 LP	
	AB	4,766,591	08/23/88	Huang	370	60	
	AC	5,319,641	06/07/94	Fridrich et al.	370	85.3	
	AD	5,600,651	02/04/97	Molle	370	448	
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents

							Translation
		Document	Date	Country	Class	Subclass	Yes
		AL					<input type="checkbox"/>
		AM					<input type="checkbox"/>
		AN					<input type="checkbox"/>
		AO					<input type="checkbox"/>
		AP					<input type="checkbox"/>

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>Her</i>	AR	J.I. Capetanakis, "TREE ALGORITHMS FOR PACKET BROADCAST CHANNELS", IEEE Transactions on Information Theory, September 1979, Volume IT-25, Number 5 (ISSN 0018 9448) pp. 505-515.
<i>Her</i>	AS	B. Whetten et al., "THE PACKET STARVATION EFFECT IN CSMA/CD LANs AND A SOLUUTION", Conference on Local Computer Networks, October 2-5, 1994, Minneapolis, Minnesota, pp. 206-217.
	AT	

Examiner

Date Considered

12/11/00

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